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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Petrus Adrianus Josephus Holten

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BRIARCLIFF MANOR, NY 10510

EXAMINER

LOVELL, LEAH S

ART UNIT

PAPER NUMBER

2885

MAIL DATE

DELIVERY MODE

08/19/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/598,798	HOLTEN, PETRUS ADRIANUS JOSEPHUS	
	Examiner	Art Unit	
	LEAH S. LOVELL	2885	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 1-6, 10 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Gabrecht (DE 38 26 676).

In regard to claim 1, Gabrecht discloses a luminaire, comprising:

a light source [14] for producing light radiation leaving the luminaire through a front side of the luminaire [figure 1],

a concave reflector [11; figure 2] around a central axis perpendicular to said front side [shown in figure 2], wherein dimensions of a cross section of the concave reflector perpendicular to said central axis decreases further away from the front side of the luminaire [figure 2],

a tubular louver [12] positioned around said central axis in front of the light source and located at least partly inside said concave reflector [figure 2], wherein the louver [12] has a tubular wall [figure 4 shows a zoomed-in view of the cross-section of the louver] with an inner side [19; figure 4] and an outer side [18; figure 4], both sides having a light reflecting surface, and

connection means [15] for connecting the louver with the luminaire, wherein that said connection means are substantially located in an area of the luminaire behind the

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louver [figure 3], and in that said connection means engage a back edge of the louver [figure 4], the back edge facing the light source [figure 3].

Regarding claim 2, Gabrecht discloses the reflector [11] has a substantial circular cross section perpendicular to said central axis [figures 1 and 2], whereby the diameter of the cross section decreases further away from the front side of the luminaire [figure 2], and in that the louver [12] has a circular tubular wall being positioned coaxially to said central axis [figures 1 and 2].

In regard to claim 3, Gabrecht discloses the main part of the reflector [11] is concave in an axial section through said central axis [figure 2].

Regarding claim 4, Gabrecht discloses the tubular wall [18,19,31] of the louver [12] is substantially V-shaped in an axial section through said central axis [figure 4], whereby the apex of the V-shape is at the front edge of the louver [figures 2-4].

In regard to claim 5, Gabrecht discloses said inner side [19] and/or said outer side [18] of the tubular wall of the louver [12] are concave in an axial section through said central axis [figures 2-4].

Regarding claim 6, Gabrecht discloses said connection means [15] comprise one or more brackets attached to the back edge of the louver [figure 3 shows at least 2 connection means].

In regard to claim 10, Gabrecht discloses a luminaire having a front side and comprising:

- a light source [14] for producing light radiation for leaving the luminaire through the front side [figure 1];

- a reflector [11; figure 2] around a central axis perpendicular to the front side [shown in figure 2];

- a louver [12] positioned around the central axis in front of the light source and located at least partly inside the reflector [figure 2], wherein the louver has a wall with an inner side [19] and an outer side [18], both sides having a light reflecting surface; and

- a connector [15] for connecting the louver with the luminaire [figure 3], wherein the connector is substantially located in an area of the luminaire behind the louver [figure 2, the front (or lower) wall of the connector is behind that of the louver positioning it

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behind the louver], and engages a back edge of the louver facing the light source [figure 4].

Regarding claim 11, Gabrecht discloses said connection means [15] comprise one or more brackets attached to the back edge of the louver [figure 3 shows at least 2 connection means].

3. Claims 1-3, 7, 8, 10 and 12-14 are rejected under 35 U.S.C. 102(e) as being anticipated by King et al. (US 7,014,341).

In regard to claim 1, King discloses a luminaire [10], comprising:

a light source [22] for producing light radiation leaving the luminaire through a front side of the luminaire [figure 1],

a concave reflector [18] around a central axis perpendicular to said front side [figure 6], wherein the dimensions of the cross section of the reflector perpendicular to said central axis decreases further away from the front side of the luminaire [figure 11],

a tubular louver [14; it is considered tubular since it has a diameter (shown in figure 11, horizontally across the figure) and a length (in figure 11, the length of the tube extends vertically in the figure)—which is the definition of tubular] positioned around said central axis in front of the light source [figure 11] and located at least partly inside said concave reflector [figure 5], whereby the louver has a tubular wall [14; it is considered tubular since it has a diameter (shown in figure 11, horizontally across the figure) and a length (in figure 11, the length of the tube extends vertically in the figure)—which is the definition of tubular] with an inner side [17, surface of 14 facing the central axis] and an outer side [17, opposite side of the inner side], both sides having a light reflecting surface, and

connection means [36, 34, 32, 30] for connecting the louver [14] with the luminaire [10], wherein said connection means [36, 34, 32, 30] are substantially located in an area of the luminaire behind the louver [figure 3], and said connection means engage

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a back edge of the louver [figure 3, wherein the back edge is the edge away from the light exiting surface], the back edge facing the light source [figure 3].

Regarding claim 2, King discloses the reflector has a substantial circular cross section perpendicular to said central axis, whereby the diameter of the cross section decreases further away from the front side of the luminaire, and in that the louver has a circular tubular wall being positioned coaxially to said central axis [figure 3].

In regard to claim 3, King discloses the main part of the reflector is concave in an axial section through said central axis [figure 11].

Regarding claim 7, King discloses a substantial part [36] of said connection means [36, 34, 32, 30] is transparent [column 7, line 47-column 8, line 32].

In regard to claim 8, King discloses said connection means [36, 34, 32, 30] comprise a transparent tubular connection member extending between the back edge of the louver and the concave reflector [the connection member is tubular since it presents a diameter and length, like the tubular louver], whereby the tubular connection member is preferably provided with opening for passage of the light source [the tubular connection member has a central aperture that the light source passes through].

In regard to claim 10, King discloses a luminaire having a front side and comprising:

- a light source [22] for producing light radiation for leaving the luminaire through the front side [figure 1];

- a reflector [18] around a central axis perpendicular to the front side [figures 6 and 11];

- a louver [14] positioned around the central axis in front of the light source and located at least partly inside the reflector [figures 1 and 6], wherein the louver [14] has a wall with an inner side and an outer side, both sides having a light reflecting surface; and

- a connector [36] for connecting the louver [14] with the luminaire [10], wherein the connector [36] is substantially located in an area of the luminaire behind the louver [figure 4, the louver "bubbles out" around the central axis and the connector is located

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behind these “bubbled out” portions], and engages a back edge [34] of the louver facing the light source [figure 4].

In regard to claim 12, King discloses a substantial part [36] of said connection means [36, 34, 32, 30] is transparent [column 7, line 47-column 8, line 32].

Regarding claim 13, King discloses said connection means [36, 34, 32, 30] comprise a transparent tubular connection member extending between the back edge of the louver and the concave reflector [the connection member is tubular since it presents a diameter and length, like the tubular louver], whereby the tubular connection member is preferably provided with opening for passage of the light source [the tubular connection member has a central aperture that the light source passes through].

In regard to claim 14, King discloses the tubular connection member [36] has openings for passage of the light source [the central hole has an opening to allow the passage of a light source].

4. Claims 1-3 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Rambauske (US 3,805,051).

In regard to claim 1, Rambauske discloses a luminaire [figure 1], comprising:

a light source [20, 20a] for producing light radiation leaving the luminaire through a front side of the luminaire,

a concave reflector [31] around a central axis [A] perpendicular to said front side [figure 1], wherein dimensions of a cross section of the concave reflector perpendicular to said central axis decreases further away from the front side of the luminaire [figure 2],

a tubular louver [35] positioned around said central axis in front of the light source and located at least partly inside said concave reflector [figure 1], whereby the louver [35] has a tubular wall [35; it is considered tubular since it has a diameter (shown in figure 2, horizontally across the figure) and a length (in figure 2, the length of the tube extends vertically in the figure)—which is the definition of tubular] with an inner side [surface of 35 facing the central axis] and an outer side [surface opposite to the inner side], both sides having a light reflecting surface [column 4, lines 45-65], and

connection means [31, 33] for connecting the louver [35] with the luminaire, wherein said connection means are substantially located in an area of the luminaire behind the louver [figure 1] , and wherein said connection means engage a back edge of the louver, the back edge facing the light source [figure 1; the connection means 33 can be seen positioned behind the louvers].

Regarding claim 2, Rambauske discloses the reflector has a substantial circular cross section perpendicular to said central axis, whereby the diameter of the cross section decreases further away from the front side of the luminaire, and in that the louver has a circular tubular wall being positioned coaxially to said central axis [figure 1].

In regard to claim 3, Rambauske discloses the main part of the reflector [31] is concave in an axial section through said central axis [figure 1].

Regarding claim 9, Rambauske discloses additional coaxial annular louvers [35] are present [figure 1], wherein the additional louvers are connected to the luminaire by the connection means [33] which are substantially located in the area of the luminaire behind the louvers [figure 1], and wherein the connection means engage the additional coaxial annular louvers near their back edges, which are directed to the light source [figure 1].

Response to Arguments

5. Applicant's arguments filed 14 May 2008 have been fully considered but they are not persuasive. Applicant asserts that Gabrecht, King, and Rambauske disclose the baffles are connected to the luminaires on a side portion of the louver. The Examiner asserts that claim 1 reads "a back edge of the louver." A back edge is considered to be an edge not in the "front" or near the area to which light exits the luminaire. As indicated above, Gabrecht, King and Rambauske all disclose connection means engaging a back edge of the louver.
6. Previous objections to the abstract and claims have been met by the amendments submitted 14 May 2008.

Conclusion

7. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEAH S. LOVELL whose telephone number is (571)272-2719. The examiner can normally be reached on Monday through Friday 8 a.m. until 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jong-Suk (James) Lee can be reached on (571) 272-7044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Leah Lovell
Examiner
8 August 2008

/Jong-Suk (James) Lee/
Supervisory Patent Examiner, Art Unit 2885